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## NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Deputy Secretary

### Certified Mail - Return Receipt Requested

June 1, 2018

Mr. Chris Hakes  
Hakes Brothers  
PO Box 2022  
Las Cruces, NM 88007

Re: **Hakes Brothers, / Metro Verde South 2C; CGP; SIC 1521; NPDES Compliance Evaluation Inspection; NPDES #NMU001969; May 3, 2018**

Dear Mr. Hakes:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "NPDES Construction General Permit" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston  
US Environmental Protection Agency, Suite 1200  
Enforcement Branch (6EN-WS)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager  
New Mexico Environment Department  
Surface Water Quality Bureau  
Point Source Regulation Section  
P.O. Box 5469  
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

*/s/ Sarah Holcomb*

Sarah Holcomb  
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail  
David Long, USEPA (6EN-WM) by e-mail  
Amy Andrews, USEPA (6EN-WM) by e-mail  
David Esparza, USEPA (6EN-WM) by e-mail  
Robert Houston, USEPA (6EN-WS) by e-mail  
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail  
Nancy Williams, USEPA (6EN-WC) by e-mail  
Mike Kesler, NMED District III by e-mail  
Jakob Kidd, City of Las Cruces by email  
Chris Cobos, Hakes Brothers by email  
Dan Nielsen, Hakes Brothers by email



Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

## NPDES Compliance Inspection Report

### Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 9 6 9 11 12 1 8 0 5 0 3 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 5 A C R E S					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 2	71 N	72 N 73	74 75	80

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date May 3, 2018 9:15 am	Permit Effective Date 2/16/2017
Metro Verde South 2C Voyager St. & Balboa Ct., Las Cruces, NM 88011	Exit Time/Date May 3, 2018 10:25 am	Permit Expiration Date 2/16/2022
Dona Ana County		
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Chris Cobos/Project Manager/575-373-1120 Dan Nielsen/VP/575-373-1120	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number Chris Hakes/President/575-373-1120 Hakes Brothers PO Box 2022 Las Cruces, NM 88007	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Contacted	SIC 1521 General Contractors-Single Family Houses 32.3956°N, 106.7491°E

### Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	M	Storm Water	N	Other:

### Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. Inspector arrived on site at 05/03/2018 at approximately 9:30 am and conducted entrance interview with Chris Cobos where she made introductions, presented credentials and explained the purpose of the inspection.
2. Exit interview was conducted at 10:25 am with Chris Cobos and Dan Nielsen. Preliminary findings of the inspection were discussed with the permittee representatives.
3. See attached for further explanations.

Name(s) and Signature(s) of Inspector(s) Jennifer Foote /s/ Jennifer Foote	Agency/Office/Telephone/Fax NMED/SWQB 505-827-0596	Date 5/31/18
Signature of Management QA Reviewer Sarah Holcomb, Program Manager /s/ Sarah Holcomb	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 5/31/18

**Hakes Brothers LLC  
Metro Verde South Phase 2C  
Compliance Evaluation Inspection  
May 3, 2018  
NPDES Permit No. NMU00  
Further Explanations**

**Introduction:**

On May 3, 2018, a Compliance Evaluation Inspection (CEI) was conducted by Jennifer Foote of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB), accompanied by Jacob Kidd and Peter Bennett, both of City of Las Cruces, at the Metro Verde South Phase 2C Project. The purpose of this inspection was to document the facility's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and U.S. Environmental Protection Agency (USEPA) Stormwater Construction General Permit (CGP). Storm water from this site discharges into the Las Cruces MS4. This site may discharge stormwater to Dona Ana Arroyo and thence to Rio Grande in Segment 20.6.4.101 of the State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC).

The NMED performs a certain number of inspections for the U.S. Environmental Protection Agency (USEPA), Region VI, under the NPDES permit program, in accordance with the federal Clean Water Act. USEPA uses these inspections to determine compliance with the NPDES permit program. This inspection report is based on information provided by the permittee's representatives, observations made by NMED staff, and records and reports kept by the permittee and/or NMED.

**Observations Summary:**

The project is the construction of residential homes in Las Cruces NM. There are multiple phases and builders in the general area. Sierra Norte Development(NMR12BM66) and Gallardo Construction(NMR12BM67) previously had permit coverage for this area, Metro Verde South Phase 2C, under the 2012 CGP but did not reapply for permit coverage under the 2017 CGP. Per the SWPPP provided on 5/16/18 Hakes Brothers began Construction at Metro Verde South Phase 2C around 1/1/18.

The current owner/operator had not applied for permit coverage as of the date of the inspection. No SWPPP was prepared for the project, but the Owner/Operator had been performing stormwater inspections.

The Project is using uncovered waste bins which may allow packing materials to become wind blown and leave the site (photo 1,). Project is discharging concrete and stucco washout not using washouts (photo 2, attachment 1). In general building sites were below the curblin, and no other perimeter controls were installed. Minor tracking was noted on the asphalt.

**Inspection Findings:**

*Section 301 (a) of the Federal Water Pollution Control Act states that "Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."*

*Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. Large construction activity is defined in 40 CFR Part 122.26(b)(14)(x), as follows: "Construction activity including clearing, grading and*

*excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.”*

*In addition, beginning on March 10, 2003, storm water discharges associated with small construction activity became regulated according to 40 CFR Part 122.26(b)(15)(i) for “[c]onstruction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre and less than five acres.”*

*40 Code of Federal Regulations Part 122.21(a) Duty to apply (1) states “Any person who discharges or proposes to discharge pollutants ...must submit a complete application to the Director in accordance with this section and part 124 of this chapter.”.*

According to the facility's representative, and based on a review of the EPA storm water permit database, it has been determined that this owner/operator did not have NPDES construction general storm water permit coverage on the date of this inspection. Hakes Brothers has since developed a SWPPP Plan and applied for coverage (See attachment 1: NOI tracking # NMR1001BO applied for 5/16/18).

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Jennifer Foote	Date: 05-03-18	Time: 10:21 am
City/County: Las Cruces/ Dona Ana		State: New Mexico
Location: Metro Park Area		
Subject: uncovered plywood waste container		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Jennifer Foote	Date: 05-03-18	Time: 10:16 am
City/County: Las Cruces/ Dona Ana		State: New Mexico
Location: Metro Park Area		
Subject: concrete washout on ground		



## **Attachment 1**

**Response to inspection from Hakes Brothers**



## Foote, Jennifer, NMENV

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**From:** Dan Nielsen <dan@hakesbrothers.com>  
**Sent:** Wednesday, May 16, 2018 12:10 PM  
**To:** Foote, Jennifer, NMENV  
**Cc:** Chris Cobos; Chris Hakes  
**Subject:** Re: Hakes Brothers - NOI and SWPPPs  
**Attachments:** Metro Verde South 2C SWPPP - Hakes Brothers 5-10-18 SE.pdf; IPaC\_ Resources.pdf; Metro Verde South 2C BMP Plan.pdf; MV2C HSP 3.8.17 FULL.pdf; Species List\_ New Mexico Ecological Services Field Office.pdf; Vicinty Map.pdf; NMR1001BOCopyOfRecord.pdf

Jennifer,

I have attached a copy of our SWPPPs Plan, Submission of the NOI Documentation, and Pictures of our concrete washout and stucco washout pools. Please let me know if there is anything else you would like me to provide. Once again, we appreciate you taking time to meet with us. Don't hesitate to reach out to Chris Cobos or myself if you have any questions. Thanks







On Fri, May 11, 2018 at 11:45 AM, Dan Nielsen <[dan@hakesbrothers.com](mailto:dan@hakesbrothers.com)> wrote:

Jennifer,

I want to reach out and thank you for taking time to drive with Chris Cobos and myself last week and give us pointers on where we could improve on our SWPPPs. We have been busy this week getting our concrete washout installed, working on the NOI, as well with other recommendations you requested. I will send you some pictures of the improvements we have made early next week. We also believe that the NOI should be ready Tuesday or Wednesday (5/11) as well. I will email you that as soon as it is finished up. I just wanted to give you a quick update. Please feel free to reachout to me if you have any questions. Thanks again!

Best,

--

**Dan Nielsen**  
VP of Construction  
Hakes Brothers

(C) [214.304.8176](tel:214.304.8176)  
(E) [dan@hakesbrothers.com](mailto:dan@hakesbrothers.com)

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**Dan Nielsen**  
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